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09/475,950	12/31/1999	FRANK S. SAAVEDRA-LIM	E-833	7103

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EXAMINER	
O'CONNOR, GERALD J	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Preliminary Remarks

1. This Office action responds to the amendment and arguments filed by applicant on October 4, 2007 in reply to the previous Office action on the merits, mailed July 5, 2007.

2. The amendment of claim 1 by applicant, in the reply filed on October 4, 2007, is hereby acknowledged.

3. The addition of claims 11-14 by applicant, in the reply filed on October 4, 2007, is hereby acknowledged.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-6 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lebda et al. (US 6,385,594), in view of Keen et al. (US 5,774,882).

Lebda et al. disclose a method of managing and assessing a set of risks relative to a financial product, said method being accessed through a data processing system, wherein said data processing system comprises a series of nodes operatively connected with each other, said method comprising the steps of: (a) performing an application processing procedure on one or more customers, comprising a check of the creditworthiness of one or more selected customers; and issuing a financial product to one or more of said customers if said selected customer is determined to be creditworthy, thus resulting in an accepted customer, and declining said application if said customer is determined to be not creditworthy; (b) assessing a credit authorization request from a system user, wherein said request is initiated by a use of said financial product; (c) utilizing a predictive modeling routine to perform said assessment; (d) accepting or declining said credit authorization request as based upon an outcome of said assessment; (e) downloading an assessment result to said data processing system for transfer to a database accessible by one or more remote nodes of said system, but Lebda et al. do not disclose (f) applying a fraud indicator to each assessment and wherein said fraud indicator is selected from a list of fraud indicators and wherein each of said fraud indicators on the list is representative of a defined area of risk.

However, Keen et al. disclose a similar method, and the method of Keen et al. indeed includes applying a fraud indicator to each assessment and wherein said fraud indicator is selected from a list of fraud indicators and wherein each of said fraud indicators on the list is representative of a defined area of risk.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Lebda et al. so as to include the step of applying a fraud indicator to each assessment and wherein said fraud indicator is selected from a list of fraud indicators and wherein each of said fraud indicators on the list is representative of a defined area of risk, in accordance with the teachings of Keen et al., in order to help identify/predict which applications were likely to be fraudulent.

Regarding claim 2, in the method of Lebda et al., the financial product is a credit card.

Regarding claims 3-6, the recitations drawn to the nature of the particular entity applying for the credit, whether it be a business entity or an individual entity, have been deemed merely directed to an intended usage of the device, hence, afforded little patentable weight. See MPEP §§ 2114 and 2173.05(g). Additionally, however, note that Keen et al. do indeed disclose using their method to serve both individual entities and business/corporate entities.

Regarding claim 9, in the method of Lebda et al., a set of data relative to said credit authorization request is retained in a memory of said data processing system, Lebda et al. do not explicitly disclose that the data is retained for the purpose of being utilized to determine the effectiveness of an assessment methodology. However, reviewing results to determine the effectiveness of a method over time is certainly well known, hence obvious, to those of ordinary skill in the art of lending, and official notice to that effect is hereby taken. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have further modified the method of Lebda et al. so as to utilize the retained results for the purpose determining the effectiveness of an assessment methodology (if such was not already being

done), as is well known to do, in order to learn how to continually improve the assessment methodology to identify a greater and greater percentage of the fraudulent applications, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Regarding claim 10, in the method of Lebda et al., a filtering step comprises a credit score filter for eliminating a portion of a population that does not pass through said filter.

Regarding claims 11-14, Lebda et al. do not explicitly disclose benchmarking risk management effectiveness by determining fraud loss ratios, including the ratio of fraud loss to any of portfolio maturity, volume of total sales, or total charge-offs. However, benchmarking risk management effectiveness by determining fraud loss ratios, including the ratio of fraud loss to any of portfolio maturity, volume of total sales, or total charge-offs, is certainly well known to those of ordinary skill in the art, and official notice to that effect is hereby taken. Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have modified the method of Lebda et al., so as to include benchmarking risk management effectiveness by determining fraud loss ratios, including the ratio of fraud loss to any of portfolio maturity, volume of total sales, or total charge-offs, as is well known to do, in order to track and understand the effectiveness of the risk management program, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Response to Arguments

6. Applicant's arguments filed October 4, 2007 have been fully considered but they are not deemed persuasive.

7. To the extent that applicant is arguing that the references fail to show certain features of applicant's invention (e.g., that the "financial product" is a credit card), it is noted that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

8. Regarding the arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

9. To the extent that applicant is arguing that the references applied in the rejection fail to use the same names for certain elements as the names used by applicant, the argument is irrelevant, as it is noted that the disclosure in a reference must show the claimed elements arranged in the same manner as in the claims, but *need not be in the identical words* as used in the claims in order to be anticipatory. See *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990).

10. To the extent that applicant is arguing that the disclosure in the applied prior art is not in as complete detail as is recited by the instant claims, a reference anticipates a claim if it discloses the claimed invention such that a skilled artisan could take its teachings *in combination with his own knowledge* of the particular art and be in possession of the invention. *In re Graves*, 36 USPQ2d 1697 (Fed. Cir. 1995); *In re Sasse*, 207 USPQ 107 (CCPA 1980); *In re Samour*, 197 USPQ 1 (CCPA 1978).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to the disclosure.

12. Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication, or earlier communications, should be directed to the examiner, **Jerry O'Connor**, whose telephone number is **(571) 272-6787**, and whose facsimile number is (571) 273-6787.

Official replies to this Office action may now be submitted electronically by registered users of the EFS-Web system. Information on EFS-Web tools is available on the Internet at: *http://www.uspto.gov/ebc/portal/tools.htm*. An EFS-Web Quick-Start Guide is available at: *http://www.uspto.gov/ebc/portal/efs/quick-start.pdf*.

Alternatively, official replies to this Office action may still be submitted by any ***one*** of fax, mail, or hand delivery. **Faxed replies should be directed to the central fax at (571) 273-8300**. Mailed replies should be addressed to "Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450." Hand delivered replies should be delivered to the "Customer Service Window, Randolph Building, 401 Dulany Street, Alexandria, VA 22314."

GJOC
December 21, 2007

/Gerald J. O'Connor/
Primary Examiner
Group Art Unit 3627